



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

GERALD C. MANN

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ATTORNEY GENERAL

Honorable Eugene Brady
County Attorney
Hunt County
Greenville, Texas

Dear Sir:

Attention: Robert McWhirter

Opinion Number O-3011

Re: Since a special election was held
last month, when may another
special election concerning bonds
for the establishment of a county
hospital be held?

This will acknowledge receipt of your opinion request of January 3, and we quote from your letter as follows:

"We held a Special Election last month, voting on bonds for the establishment of a County Hospital. The measure failed to carry. Some of the advocates of the hospital have insisted that we obtain from you an opinion as to when another special election dealing with this same matter may be held."

Article 4478, of Vernon's Annotated Civil Statutes, reads, in part, as follows:

"The commissioners' court of any county shall have power to establish a county hospital and to enlarge any existing hospitals for the care and treatment of persons suffering from any illness, disease or injury, subject to the provisions of this chapter. At intervals of not less than twelve months ten per cent of the qualified property taxpaying voters of a county may petition such court to provide for the establishing or enlarging of a county hospital, in which event said court within the time designated in such petition shall submit to such voters at a special or regular election the proposition of issuing bonds in such aggregate amount as may be designated in said petition for the establishing or enlarging of such hospital. * * *"

Article 4493, of Vernon's Annotated Civil Statutes, which controls any county having a city with a population of more than 10,000 persons, provides, in part, as follows:

" * * * If the proposition shall fail to receive a majority vote at such election, said court may be required thereafter at intervals of not less than twelve months, upon petition of ten per cent of the qualified voters of said county, to submit said proposition until same shall receive the requisite vote authorizing the issuance of the bonds."

We have been unable to find any court decisions construing that part of the statutes involved in your question; however, we believe that the statute itself is clear and it is our opinion that under the authority of the above quoted statutes, another election cannot be held in your county until at least twelve months have elapsed from the time of the preceding election.

Trusting that this answers your question, we are.

Very truly yours

ATTORNEY GENERAL OF TEXAS

s/ Claud O. Boothman

By

Claud O. Boothman
Assistant

COB: s: Idw

APPROVED JAN 30, 1941

s/ GERALD C. MANN
ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE
BY B. W. B. CHAIRMAN